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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 14-0196 CRB
)	
v.)	UNITED STATES' PROPOSED JURY
)	QUESTIONNAIRE
KWOK CHEUNG CHOW, et al.)	
)	Trial Date: November 2, 2015
Defendants.)	Time: 9:30 a.m.
)	Court: Hon. Charles R. Breyer
)	
)	

The United States hereby respectfully submits the attached proposed jury questionnaire.

DATED: October 4, 2015

Respectfully submitted,

BRIAN J. STRETCH
Acting United States Attorney
/s/
WILLIAM FRENTZEN
SUSAN E. BADGER
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
JUDGE CHARLES R. BREYER

CONFIDENTIAL JUROR QUESTIONNAIRE

INSTRUCTIONS TO JURORS

The attached juror questionnaire must be answered by you. This document will assist the judge and lawyers in selecting a jury. Answer all the questions to the best of your ability. There are no right or wrong answers. To answer correctly you must answer honestly.

We need your help so that we can select a fair and impartial jury in this case. Do not assume anything from these questions. The fact they are being asked does not necessarily have anything to do with the evidence that you will hear.

The judge and lawyers know that every person has beliefs and prejudices concerning many things. You should answer with your true feelings and opinion, whatever they may be. Do not assume that any of your answers will qualify you or disqualify you from serving on this jury.

Please fully answer each question to the best of your ability. Write or print clearly. You must not ask anyone for help. Do the best you can.

If you cannot answer a question because you do not understand it, write "Do Not Understand" in the margin next to the question. If you cannot answer because you do not know, write "Do Not Know" in the margin next to the question. If you want to explain your answer, do so briefly in the margin next to the question. If for any reason you do not want to answer any of the questions asked, please write the word "PRIVATE" next to the question and we will take this matter up with you privately.

We are all certain that you understand the importance of juries to our American system of justice. We are confident that you will not try to avoid your duty as a citizen to serve if it is at all possible to do so. Without your help our courts cannot operate properly under the Constitution.

An Explanation Sheet is provided for you at the end of the questionnaire to answer questions more fully. Rather than leaving out information, please turn to the end and put the Question Number and the remainder of your answer on the Explanation Sheet.

Because your answers are part of the jury selection process and become part of the records of this court, your answers must be truthful under penalty of perjury.

The answers to these questions will only be disclosed to the Court and the attorneys and will be used by the Court and the attorneys solely for the selection of the jury in this case and for no other reason. The confidentiality of your answers to these questions will be maintained unless otherwise ordered by the Court.

It is important that you not discuss the subject matter of the questions in this questionnaire with anyone else and that you not try to investigate on your own or with others to try to figure out what this case is about. While, of course, you can inform others that you may be needed for jury duty, please don't discuss the subject of the questions with anyone else. Please don't read, watch or listen to any news accounts about this matter, the trial, or anything associated with it. Please do not do any research about this matter on your own on the internet or elsewhere.

1. Full name: _____

2. The lawyers have estimated that the trial of this case might take up to four months. Is there any reason that you would not be able to sit as a juror for that length of time?

3. In what city do you currently live? _____

a. How long have you lived in that area? _____

b. Do you own or rent your home? _____

4. Age: _____

5. What level of school did you reach? List all degrees received.

6. What language(s) do you understand?

7. Can you do the following fluently in English?

a. Speak? Yes _____ No _____

b. Write? Yes _____ No _____

c. Read? Yes _____ No _____

8. Where do you work? (If retired or unemployed, where did you last work?)

9. What is your job description, or your job skills?

a. What did/do you like best about your job?

b. What did/do you like least about your job?

10. Please state any other jobs you have had in the last five years:

11. Do you have a spouse, partner, or significant other who lives with you? ____ If yes, what kind of work does he or she do?

12. If you have children, please state their ages and occupations, if any:

13. Have you ever served in the military? ____ If yes, state what branch and your dates of service.

14. This case involves allegations that defendant Kwok Cheung Chow, a/k/a Raymond Chow, conspired with others to conduct organized crime activities through a pattern of crimes including money laundering, dealing in stolen goods, trafficking narcotics, and firearms violations. These are only allegations at this point and must be proved by the government beyond a reasonable doubt. Have any of you heard or read anything about this case prior to today? If so, what have you heard and/or read about the case?_____

15. Is there anything about the nature of the charges and /or what you have heard or read about the case that would affect your ability to be a fair and impartial juror in this trial ? _____
If yes, please explain

16. Do you know any of the defendants? If so, who do you know? _____
How do you know _____
What is the nature of your relationship?

17. Have you ever worked with or on behalf of Mr. Chow? If so, when and in what capacity?

Is there anything about that experience that would affect your ability to be a fair and impartial juror in this case? _____
If yes, please explain

18. Have you ever served on a jury? _____ If yes, please state the following:

- a. approximate date of service _____
- b. civil or criminal case ? _____
- c. If it was a criminal case, what was the charge? _____
- d. Was a verdict reached? _____
- e. Is there anything from your prior jury service that would affect your ability to decide the issues in this case?

19. Have you ever served on a grand jury? ____ If yes, state when and where:

20. Have you, a member of your family, or a close friend ever been a plaintiff or defendant in a lawsuit? ____ If yes, please state:

a. What kind of case was it? _____

b. Is there anything about that case that would prevent you from being a fair and impartial juror in this case?

21. Have you, a member of your family, or a close friend ever been accused of, or arrested for, a crime? ____ If yes, please state:

a. What was the charge, and was it a felony or a misdemeanor?

b. When and where did this occur?

c. What law enforcement agency was involved in the charge?

d. Was there anything about the handling of that case that would make it difficult for you to sit as a juror in this case?

22. Have you, or has anyone in your family or a close personal friend, ever been a witness in a criminal case? ____ If so,

a. Did you (they) testify as a witness for the prosecution or the defendant?

b. What were the circumstances of the case?

c. What was the final disposition of the case?

d. Was there anything about the handling of that case that would make it difficult for you to sit as a juror in this case?

23. Have you, or has anyone in your family or close personal friend, been a victim of a crime?

_____ If so,

a. What were the circumstances of the case?

b. Was the case resolved? How?

c. Was there anything about the handling of that case that would make it difficult for you to sit as a juror in this case?

24. Do you have any strong feelings or beliefs about any of the following issues that would cause you to believe that you could not consider the evidence fairly, impartially, and according to the law in this case?

a. organized crime or the laws concerning organized crime?

b. money laundering or the laws concerning money laundering?

c. trafficking in illegal cigarettes and alcohol or the laws concerning those crimes?

d. trafficking in stolen goods or the laws concerning those crimes?

e. narcotics trafficking or the laws concerning narcotics trafficking, including the federal laws regarding marijuana?

25. Do you have any strong feelings regarding the criminal justice system in this country including, but not limited to, your feelings about judges, lawyers, police officers and federal law enforcement agents, that would prevent you from giving either the government or the defendant a fair hearing in this matter?

26. Is anyone in your family a law enforcement officer and/or are you close friends with any law enforcement officers? ____ If so, in what regard?

27. Do you harbor any ill feelings, for any reason, toward local, state or federal law enforcement agents, including the San Francisco Police Department, or federal agents with the Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), or Department of Homeland Security?

28. Do you have any formal education or training in law or law enforcement?

a. What does it consist of?

b. Will this training make it difficult for you to fairly and impartially decide the facts of this case?

29. Would you believe the testimony of a law enforcement agent more or less than that of another witness, simply because the witness is a law enforcement agent? Would you follow an instruction from the Court that you judge the testimony of a law enforcement witness the same as you would any other witness?

30. You will hear testimony in this case that FBI agents, acting in an undercover capacity, were involved in the investigation and they recorded conversations with the subject of the investigation and others. Is there anything about those investigative techniques that raises concerns for you? If yes, please explain

31. You will hear testimony in this case from cooperating witnesses, that is, individuals who are testifying in order to get a benefit on their own sentences. Is there anything about such witnesses that raises concerns for you? If yes, please explain.

32. You will hear testimony in this case that the Court authorized the government investigators to intercept conversations of some of the defendants that occurred on the defendants' telephones and inside the defendants' cars. In other words, some of the defendants' telephones and cars were subject to court-authorized wiretaps. Is there anything about that investigative technique that raises concerns for you?

If yes, please explain

33. Do you have any opinion about the following – all of which are alleged in this case – that would interfere with your ability to be fair and impartial in deciding as a juror whether the prosecution had proved its allegations?

a. Crime generally?

b. Firearms and other weapons?

c. Political corruption?

34. What do you do in your spare time?

35. What newspapers and/or magazines do you read regularly?

36. If you watch television, what shows do you watch regularly?

37. Do you belong to any civic, social, fraternal, union or professional organizations?

a. If so, please state which one(s):

38. The judge will instruct you that a defendant in the criminal case has a constitutional right not to testify, and that no presumption of guilt may be raised, and no inference of any kind may be drawn, from the fact that defendant did not testify. Can you follow that instruction?

39. The Court will instruct you as to the law to be applied in this case. Federal law is applicable to this case, not California state law, or any other law. Under federal law, it is illegal to manufacture (i.e. grow), distribute, and possess with intent to distribute marijuana, and there is no exception for marijuana clubs or medical marijuana. Would you be unwilling or unable to follow the court's instructions as to federal law, regardless of what you think the law is, or ought to be?

40. Is there anything about your personal beliefs – whether religious, moral, ethical, philosophical, or otherwise – that would make it difficult for you to render a verdict based purely on the law and the evidence presented in court?

41. Some people view the duty of a jury to reach a verdict as similar to passing judgment on another person. Is there anything about your personal beliefs – whether religious, moral, ethical, philosophical, or otherwise – that would make it difficult for you to fulfill your duty as a juror? If yes, please explain

42. This case will be presided over by the Honorable Charles R. Breyer, United States District Judge. The government is represented by members of the United States Attorney's Office, Assistant United States Attorneys Susan Badger, S. Waqar Hasib, and William Frentzen, and by the Federal Bureau of Investigation, FBI Special Agents Emmanuel Pascua and Tseng Chow. The defendant is named Kwok Cheung Chow, also known as Raymond Chow. Mr. Chow is represented by attorneys J. Tony Serra and _____.

Before today, do you know or have you heard of: the Judge or any of the attorneys or the case agents in this case? If so, who do you know and/or what have you heard, and would that knowledge affect your ability to be fair to both sides?

43. Do you know, or are you familiar with, any of the following individuals, who may be witnesses in this case?

[List of witnesses for both sides]

44. Your responsibility as a juror is to determine whether or not the government has met its burden to prove each of the charged offenses beyond a reasonable doubt. It is the responsibility of the Court to impose punishment in the event that the jury finds any one or more of the offenses proved. Will you be able to reach a verdict based on the law and the evidence without consideration of the potential punishment?

45. Your verdict must be based upon the law and the evidence, not on sympathy, passion, or prejudice. Do you have any reservations about your ability to follow that instruction?

46. Is there anything you have not indicated in the above answers which you think might affect your ability to serve as a juror in this case? (Please explain.)

I declare under penalty of perjury that all answers are true and correct to the best of my knowledge.

Date:

Juror Signature

Further Explanation Sheet

(Please put the question number next to your response. Thank you.)

[illegible]

[illegible]